

ARLENE P. MESSINGER  
Assistant General Counsel for SBIC Enforcement  
U.S. Small Business Administration  
Receiver for Prospero Ventures, L.P.  
409 Third Street, S.W., 7<sup>th</sup> Floor  
Washington, DC 20416  
Telephone: (202) 205-6857  
Facsimile: (202) 481-0325

DARRYL J. HOROWITT #100898  
COLEMAN & HOROWITT, LLP  
Attorneys at Law  
499 West Shaw, Suite 116  
Fresno, California 93704  
Telephone: (559) 248-4820  
Facsimile: (559) 248-4830

Attorneys for Plaintiff,  
U.S. SMALL BUSINESS ADMINISTRATION,  
as Receiver for PROSPERO VENTURES, L.P.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS  
ADMINISTRATION, as Receiver for  
PROSPERO VENTURES, L.P.,

Plaintiff,

v.

RAINBOW ENTERPRISES, L.P.,

Defendant.

NO. C 07-03738 VRW

**Related Cases:**

C 07-03732, C 07-03733, C 07-03735,  
C 07-03736, C 07-03737, C 07-03739,  
C 07-03740, C 07-03741

**STIPULATION FOR DISMISSAL  
AND ~~[PROPOSED]~~ ORDER  
THEREON**

This stipulation is entered into by and between Plaintiff, U.S. SMALL BUSINESS  
ADMINISTRATION, as Receiver for PROSPERO VENTURES, L.P., and Defendant, RAINBOW  
ENTERPRISES, L.P., by and through their respective attorneys of record, as follows:

**RECITALS**

This stipulation is entered into with the following facts taken into consideration:

A. The parties have entered into a settlement agreement which resolves all issues in this  
matter.

1 *U.S. Small Business Administration, etc.*  
2 *v. Rainbow Enterprises, L.P.*  
3 Case No. C 07-03738 VRW

4 B. Defendant has fully complied with the terms of the settlement agreement. As such,  
5 Plaintiff is desirous of dismissing the action, with prejudice, as to Defendant.

6 **STIPULATION**

7 With the following facts taken into consideration, the adequacy and sufficiency of which  
8 are hereby acknowledged, the parties hereby stipulate and agree as follows:

- 9 1. The complaint in the above-captioned matter shall be dismissed, with prejudice.  
10 2. This dismissal shall not constitute a dismissal of any of the related cases identified  
11 in the caption above.  
12 3. This stipulation may be executed in counterparts and a facsimile and/or electronic  
13 signature shall be considered as valid as an original.

14  
15 Dated: January 6, 2009

COLEMAN & HOROWITT, LLP

17 By: /s/ Darryl J. Horowitz  
18 DARRYL J. HOROWITT  
19 Attorneys for Plaintiff

20 Dated: January 6, 2009

DONOGHUE, BARRETT & SINGAL, P.C.

22 By: /s/ Damien C. Powell  
23 BRUCE A. SINGAL  
24 DAMIEN C. POWELL  
25 Appearance *Pro Hac Vice*  
26 Attorneys for Defendant

27 O'CONNOR & ASSOCIATES  
28 JOHN O'CONNOR  
Attorney for Defendant

1 *U.S. Small Business Administration, etc.*  
2 *v. Rainbow Enterprises, L.P.*  
3 Case No. C 07-03738 VRW

4 **ORDER**

5 \_\_\_\_\_ The parties having so stipulated, and good cause appearing therefor,

6 IT IS HEREBY ORDERED that the complaint shall be dismissed, with prejudice, against  
7 Defendant, RAINBOW ENTERPRISES, L.P.

8 1/9/2009

